

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

MERRILL LYNCH BANK (SUISSE) SA,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 11-02910 (SMB)

**STIPULATION EXTENDING TIME TO RESPOND  
AND ADJOURNING THE PRE-TRIAL CONFERENCE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the estate of Bernard L. Madoff, individually, by and through his counsel, Baker & Hostetler LLP, and defendant Merrill Lynch Bank (Suisse) SA (“MLBS”), by and through its counsel, Arnold & Porter LLP, hereby stipulate and agree as follows:

Whereas on November 22, 2011, the Trustee filed the above-captioned action against MLBS in this Bankruptcy Court, asserting bankruptcy law claims (the "Complaint");

Whereas the Trustee and MLBS previously have entered into stipulations recognizing MLBS's waiver of service of the Summons and Complaint in this action, setting a date for MLBS to answer the Trustee's Complaint, and setting a briefing schedule should MLBS move to dismiss the Trustee's Complaint in lieu of an answer;

Whereas except as expressly set forth herein, the parties to this stipulation reserve all rights and defenses the Trustee and MLBS may have and entry into this stipulation shall not impair or otherwise affect such rights and defenses, including without limitation any defenses based on lack of jurisdiction;

IT IS HEREBY STIPULATED AND AGREED by and between the Trustee and MLBS, by the endorsement of their counsel below, that:

1. MLBS shall file and serve an answer, motion or other response to the Complaint in this action no later than January 16, 2015;
2. The Trustee's response to any motion or other response filed and served by MLBS with respect to the Complaint shall be filed and served no later than March 18, 2015;
3. MLBS's reply to any response by the Trustee referenced in paragraph 2 above shall be filed and served no later than April 17, 2015; and
4. The Pre-Trial Conference shall be adjourned from February 25, 2015, at 10:00 a.m. to May 20, 2015, at 10:00 a.m.

This stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one

and the same instrument. A signed facsimile or electronic copy of this stipulation shall be deemed an original. This stipulation is entered into pursuant to the Order Granting Supplemental Authority to Stipulate to Extensions of Time to Respond and Adjourn Pre-Trial Conferences (Adv. Pro. No. 08-01789 (SMB), Dkt. No. 7037).

Dated: October 8, 2014  
New York, New York

/s/ Thomas L. Long  
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Madoff Investment Securities LLC and Bernard L.  
Madoff*

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